

Serial No. 10/826,997
Attorney Docket No. 300306-40016C1
Amendment

REMARKS

The present response is being submitted in its entirety to facilitate entry of the amendments to the claims and remarks originally submitted on April 14, 2005.

Claims 1-3 stand withdrawn. Claims 4-11 and 22 have been canceled. Claims 12, 13, 15, 19, 20 and 21 have been amended. New claims 23-26 have been added.

Claims 12, 13, 15-19 and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,848,575 to Nakamura et al. The Examiner's rejections are respectfully traversed.

The Nakamura et al. reference discloses a resealable dispenser container for wet tissues. The container includes a body 11, an opening 12 in the body 11 and a flap 14 attached to the body 11 for covering the opening 12. The flap 14 is a sheet of material independent of the body 11 and may be resealably attached to the body 11 of the container by means of magnetic force.

However, the Nakamura et al. reference does not disclose a container formed from a substrate having an aperture therein and a flap pivotally attached thereto, wherein a first portion of ferrite material is secured to the substrate generally adjacent the aperture and a second portion of ferrite material is secured to the flap, wherein the first and second portions of ferrite material each include at least about 10 poles per inch and the poles are generally parallel or perpendicular to a fold axis of the flap.

Furthermore, the Nakamura et al. reference does not disclose a container formed from a paperboard substrate having an aperture therein and a paperboard flap pivotally attached thereto, wherein a first portion of sheet-type magnet is secured to the substrate generally adjacent the aperture and a second portion of sheet-type magnet is secured to the flap, wherein the first and second portions of sheet-type magnet each include about 10 to about 50 poles per inch.

Accordingly, Applicants submit that the prior art does not teach the method of the present application or an article formed according to the method of the present application. Thus, the prior cannot, as a matter of law, anticipate the claims of the present application. Furthermore, Applicants submit that the prior art does not render the claims of the present application obvious.

Serial No. 10/826,997
Attorney Docket No. 300306-40016C1
Amendment

The container or article of the present application has several advantages over the prior art. For example, the container or article of the present application may include at least about 10 poles per inch of ferrite material and therefore may have improved hold strength. *See Application, ¶ 37.* Furthermore, the poles of the ferrite material of the present application may be aligned generally parallel (or perpendicular) to a fold axis of the flap and therefore the flap may evenly and correctly (i.e., without displacement) align with the aperture, thereby properly covering the aperture. *See Application, ¶ 36.*

Claims 14 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of U.S. Patent No. 6,217,405 to Burrows. The Examiner's rejections of claims 14 and 21 are respectfully traversed for the reasons discussed above.

In light of the foregoing, the Examiner's rejections of claims 12-22 are respectfully traversed. It is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



Victor J. Wasylina
Reg. No. 52,345

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6812

384189.2